

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOE GARZA, §
§
Petitioner, §
VS. § CIVIL ACTION NO. C-12-71
§
RICK THALER, §
§
Respondent. §

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO GRANT RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**

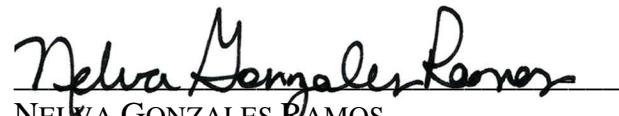
On October 17, 2012, United States Magistrate Judge Brian L. Owsley issued his "Memorandum and Recommendation to Grant Respondent's Motion for Summary Judgment" (D.E. 30). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge's Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge's memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memorandum and Recommendation (D.E. 30), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Respondent's Motion

for Summary Judgment (D.E. 23) is **GRANTED** and this action is **DISMISSED** as time-barred. In the event that Petitioner seeks a certificate of appealability, that request is **DENIED**.

ORDERED this 26th day of November, 2012.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE